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August 20, 2013

Hon. Lorenzo Garcia,
Magistrate Judge
U. S. District Court
Pete V. Dominici U.S. Courthouse
333 Lomas Blvd. NM
Albuquerque, New Mexico 87102

Nathaniel V. Thompkins
NEW MEXICO FIRM, LLC
103 St. Francis Drive, Suite A
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Re: Rescheduling of Settlement Conference
Rapatz, et. al. v Martinez, Lopez, Vigil, Pacheco and City of Espanola
Case No.: 12-CV-00827 RHS/LFG

Judge Garcia and Mr. Thompkins,

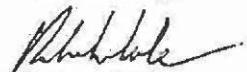
The purpose of this letter is to request a postponement of the settlement conference scheduled for Wednesday, September 18, 2013 (Order Resetting Rule 16 Settlement Conference [Doc. 62]). After a long phone conference today with the defendants' insurer, Praetorian Insurance and North American Risk Services, it was determined that a proper evaluation of Plaintiffs' claims and cause of action cannot be made pending the court's ruling on two 12(b)(6) motions, *Defendant City of Espanola's Motion To Dismiss Second Amended Complaint*, [Doc. 52], filed April 29, 2012, and *Defendants, Christian Lopez and Joe Martinez' Motion To Dismiss Second Amended Complaint and for Qualified Immunity*, [Doc. 54], filed May 13, 2013. Also pending is Plaintiffs' *Second Motion To Amend Or Supplement Complaint* [Doc. 60].

While the defendants and their insurer wish to resolve Plaintiffs' cause of action without the time, expense and uncertainty of trial, until the court's ruling on the pending motions, it is not possible to evaluate the claim for the purposes of settlement at this time.

Defendants do not oppose Mr. Thompkins' request for a two week extension of time to file Plaintiffs' Reply to Defendants Response to Plaintiffs' Second Motion to Amend.

Thank you both for your time and courtesy in this matter.

Respectfully,



Robert Cole,
Attorney for Defendants